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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/314,424	05/18/1999	BERTRAM V. BURKE	EPC-71	5182

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LEO STANGER
P O BOX 1455
382 SPRINGFIELD AVE
SUMMIT, NJ 07901

EXAMINER
JANVIER, JEAN D

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 11/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/314,424	Applicant(s) BURKE, BERTRAM V.	
	Examiner Jean D Janvier	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 September 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *14, 15*
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Continued Prosecution Application

The request filed on July 18, 2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/314,424 is acceptable and a CPA has been established. An action on the CPA follows.

Response to Arguments

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

\ DETAILED ACTION

Specification

In the abstract, it appears that "..., during a transaction between a customer and a merchant collecting..." should have been --..., during a transaction between a customer and a merchant, collecting...--.

The IDS sent on October 30, 2002 (paper no. 19) is a duplicate of the IDS filed on October 07, 2002, which has already been considered by the Examiner.

Status of the claims

Claim 1 was originally presented. After the First Non-final Office Action, claim 1 was superficially amended and claims 2-7 were added. After the final office action, claims 1-3 and

7-8 were amended and claims 9-11 and claims 12-27 (paper 17) were added. **Now, claims 1-27 instead of claims 1-28, as inadvertently submitted by the Applicant in a recent amendment (paper no. 17), are pending in the Instant Application.**

Claim Objections

Claims 4 and 10, 6 and 11 are objected to because of the following informalities:

Regarding claims 4 and 10, it appears that "... the merchants agree to rebates to the non-profit body" should have been --... the merchants agree **to send the** rebates to the non-profit body--.

Regarding claims 6 and 11, it appears that "saidthe remote" should have been --said remote--.

Appropriate corrections are necessary.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter. In fact, the process or steps disclosed in independent claim 1 can not yield to a concrete, useful and tangible result since the steps as recited in the claim pertain to

a manual process and therefore, the claim does not fall within the technological art. In other words, the steps or process of **providing each of a plurality of supporters an individual identification number (ID), entering an amount spent by a supporter at a merchant in a transaction, deducting from the purchases of the supporter from said merchant the calculated rebates...,** as recited in the claim, need to be automated or a computer implementation of these steps or process is necessary.

Claims 2-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter. In fact, the process or steps disclosed in independent claim 2 can not yield to a concrete, useful and tangible result since the steps as recited in the claim pertain to a manual process and therefore, the claim does not fall within the technological art. In other words, the steps or process of **recording, associating, deducting and transmitting,** as recited in the claim, need to be automated or a computer implementation of these steps or process is necessary.

Claim 7 is rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter. It appears that the Applicant wanted to claim **an article of manufacture** such as a computer readable medium or disc storing computer codes or instructions related to the claimed invention or **a computer program product,** when executed on a computer, is operable to perform the steps outlined in the claimed invention. In either case, the claim or claim 7, as it stands in the Application, does not yield to useful, concrete and tangible result and hence the claim has no patentable merit for merely reciting a computer

program product stored in a computer readable medium or Hard disk, which by itself cannot perform any meaningful function (See the following discussion).

Further, it should be noted that a computer code (software or program) does not do anything per se, unless it is encoded or stored on a computer readable medium and enabled when, executed on a computer or processor, to perform specific functions or instructions. The following is a generic example of a proper computer program product claim–

A computer program product encoded on a computer readable medium and comprising code that, when executed on a computer or processor, performs the following:

Function A

Function B

Function C

And so on

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burke, U.S Patent 5,621,640 in view of Hovakimian, US Patent 5, 466, 919.

As per claim 1, Burke teaches a method comprising the steps of:

1.

Providing each of a plurality of supporters **or donors** with an individual identification number (ID) **DC1 of fig. 2 or DC2 of fig. 3.** See column 3 and third paragraph;

Entering the (ID) **DC1 or DC2** into an entry terminal **such as Card Reader CDX or Bar Code Reader BCRX of fig. 1;**

Entering an amount spent by a supporter **or donor** at a merchant in a transaction using **Cash Register CRX POS as depicted in fig. 1. See columns 2-3 and lines 51-72;**

Having the entry terminal **Card Reader CDX or Bar Code Reader BCRX of fig. 1** record the (ID) **DC1 or DC2** as well as the amount of dollars spent in a transaction **into the Cash Register CR1 of fig. 1, which in turn sends the data to CC (central computer) to be stored in DS (data storage) of fig. 1;** See columns 2-3 and lines 51-85;

Uploading the ID **from a donor's card DC1 of fig. 1** and the amount entered to a central clearinghouse **or Central Computer or CC of fig. 1 via communication system CS, which transfers the amount to a selected charity account CA or a charity computer CHY of fig. 1**

(col. 3: 10-27-The Examiner notes that there is no difference between the functions performed by the Central Computer or CC of fig. 1 and the central clearinghouse. At this point, it will be evident to one having ordinary skill in the art that the central clearinghouse must use a central computer remotely connected to various participating merchants POS in a manner similar to CC as shown in fig. 1. Therefore, the Examiner will treat the Central Computer or CC of fig. 1 as a clearinghouse system or fulfillment system or an automatic clearinghouse or ACH).

Burke does not explicitly disclose a method and/or system for deducting calculated rebates, as determined by a merchant or retailer, based on purchases made by a supporter or customer or donor at the merchant's or retailer's to thereby forward, for payment by the merchant or retailer, the calculated and deducted rebates to a non-profit organization or charity.

However, Hovakimian discloses a patronage incentive system for enabling identified purchasers or customers to contribute or donate to their selected charities whenever they use a specific Bank or issuer's credit card to pay for transactions at participating merchants. In fact, the issuer of the credit card agrees to deduct a certain portion (calculated rebates) from each identified purchaser's transaction involving the credit card and subsequently donate the accumulated portions or rebates to the charity or charities pre-selected by the identified purchaser or customer in an effort to encourage the identified purchaser to use the credit card to pay for transactions, thereby yielding to immediate customer's gratification and customer or credit card holder loyalty and retention, which helps retain the customer in an era where it is critical to keep an existing customer (See abstract; col. 1: 33-48; figs. 1-3).

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention without reading the Instant Application to incorporate the teachings of Hovakimian into the Burke's system so as to encourage an identified customer or purchaser to use a specific manufacturer's or issuer's credit or debit card to pay for transactions at participating merchants by agreeing to deduct a certain portion (calculated rebates) from each identified purchaser's transaction involving the credit card and subsequently donate the accumulated portions or rebates to the charity or charities pre-selected by the identified purchaser or customer, wherein the accumulated rebates represent the issuer's own money, thereby yielding to immediate customer's gratification and acceptance of the said credit card, which helps retain the customer in an era where it is critical to keep an existing customer. And in the end, the identified customer will receive important tax document showing the dollar figure associated with the donations, which the identified customer or purchaser can use to reduce the amount of money due to the IRS when the customer files his income tax return using the itemized deduction option (See abstract; col. 1: 33-48; figs. 1-3).

As per claim 2, Burke further discloses a method for collecting donors' or supporters' contributions during POS transactions associated with a plurality of participating merchants or retailers and subsequently distributing the contributions to non-profit or charitable organizations selected by the donors wherein the donors and the non-profit organizations or donees can easily be identified using donor card DC1 Of fig. 2 and charitable account CA of fig. 1 respectively. It should further be understood that the participating or affiliated merchants could easily be

identified using specific accounts (bank accounts) or IDs (Abstract; figs. 1-3; col. 1: 18-54; col. 2: 51 to col. 3: 27; col. 4: 41-67; col. 7: 7-26).

Burke does not explicitly disclose a method and/or system for deducting calculated rebates, as determined by a merchant or retailer, based on purchases made by a supporter or customer or donor at the merchant's or retailer's to thereby forward, for payment by the merchant or retailer, the calculated and deducted rebates to a non-profit organization or charity.

However, Hovakimian discloses a patronage incentive system for enabling identified purchasers or customers to contribute or donate to their selected charities whenever they use a specific Bank or issuer's credit card to pay for transactions at participating merchants. In fact, the issuer of the credit card agrees to deduct a certain portion (calculated rebates) from each identified purchaser's transaction involving the credit card and subsequently donate the accumulated portions or rebates to the charity or charities pre-selected by the identified purchaser or customer in an effort to encourage the identified purchaser to use the credit card to pay for transactions, thereby yielding to immediate customer's gratification and customer or credit card holder loyalty and retention, which helps retain the customer in an era where it is critical to keep an existing customer (See abstract; col. 1: 33-48; figs. 1-3).

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention without reading the Instant Application to incorporate the teachings of Hovakimian into the Burke's system so as to encourage an identified customer or purchaser to use a specific manufacturer's or issuer's credit or debit card to pay for transactions at participating merchants by agreeing to deduct a certain portion (calculated rebates) from each identified purchaser's

transaction involving the credit card and subsequently donate the accumulated portions or rebates to the charity or charities pre-selected by the identified purchaser or customer, wherein the accumulated rebates represent the issuer's own money, thereby yielding to immediate customer's gratification and acceptance of the said credit card, which helps retain the customer in an era where it is critical to keep an existing customer. And in the end, the identified customer will receive important tax document showing the dollar figure associated with the donations, which the identified customer or purchaser can use to reduce the amount of money due to the IRS when the customer files his income tax return using the itemized deduction option (See abstract; col. 1: 33-48; figs. 1-3).

As per claims 3, 4 and 6, Burke further discloses a method comprising the following steps-

3. Wherein the steps of recording assigned identification are performed at a remote terminal **RT1 of a participating** merchant wherein RT1 reports donations by donors to specific charities including identifications during transactions throughout various participating merchants POS to CC or Central Computer in real-time via CS (communication system such as cable, satellite etc.) (fig. 1); and

Having the steps of associating, and transmitting are performed by **a Central Computer or CC of fig. 1** (The Examiner notes that there is no difference between the functions performed by the Central Computer or CC of fig. 1 and the central clearinghouse. At this point, it will be evident to one having ordinary skill in the art that the central clearinghouse must use a central

computer remotely connected to various participating merchants POS in a manner similar to CC as shown in fig. 1. Therefore, the Examiner will treat the Central Computer or CC of fig. 1 as a clearinghouse system or fulfillment system or an automatic clearinghouse or ACH).

See figs 1-3 and col. 2: 7 to col. 47.

As per claim 4, Burke further discloses a method for collecting donors' or supporters' contributions during POS transactions associated with a plurality of participating merchants or retailers and subsequently distributing by the merchants 26, as the merchants 26 and the identified customer agreed to, the contributions to non-profit or charitable organizations selected by the donors wherein the donors and the non-profit organizations or donees can easily be identified using donor card DC1 Of fig. 2 and charitable account CA of fig. 1 respectively. It should further be understood that the participating or affiliated merchants could easily be identified using specific accounts (bank accounts) or IDs (Abstract; figs. 1-3; col. 1: 18-54; col. 2: 51 to col. 3: 27; col. 4: 41-67; col. 7: 7-26).

6. Wherein each step of recording includes uploading each transaction to **a CR1 or cash register 1 associated with remote terminal 1 or RT1 and subsequently transferring the transaction data including donation amounts and identifications to Central Computer or CC of fig. 1** or said clearinghouse **or fulfillment center having a central computer or CC and wherein the merchants can receive reports regarding the total accumulated donations or the like** (See figs 1-3 and col. 2: 7 to col. 3: 47).

Burke, concerning claims 3, 4 and 6, does not explicitly disclose a method and/or system for deducting calculated rebates, as determined by a merchant or retailer, based on purchases made by a supporter or customer or donor at the merchant's or retailer's to thereby forward, for payment by the merchant or retailer, the calculated and deducted rebates to a non-profit organization or charity.

However, Hovakimian discloses a patronage incentive system for enabling identified purchasers or customers to contribute or donate to their selected charities whenever they use a specific Bank or issuer's credit card to pay for transactions at participating merchants. In fact, the issuer of the credit card agrees to deduct a certain portion (calculated rebates) from each identified purchaser's transaction involving the credit card and subsequently donate the accumulated portions or rebates to the charity or charities pre-selected by the identified purchaser or customer in an effort to encourage the identified purchaser to use the credit card to pay for transactions, thereby yielding to immediate customer's gratification and customer or credit card holder loyalty and retention, which helps retain the customer in an era where it is critical to keep an existing customer (See abstract; col. 1: 33-48; figs. 1-3).

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention without reading the Instant Application to incorporate the teachings of Hovakimian into the Burke's system so as to encourage an identified customer or purchaser to use a specific manufacturer's or issuer's credit or debit card to pay for transactions at participating merchants by agreeing to deduct a certain portion (calculated rebates) from each identified purchaser's transaction involving the credit card and subsequently donate the accumulated portions or rebates to the charity or charities pre-selected by the identified purchaser or customer, wherein the

accumulated rebates represent the issuer's own money, thereby yielding to immediate customer's gratification and acceptance of the said credit card, which helps retain the customer in an era where it is critical to keep an existing customer. And in the end, the identified customer will receive important tax document showing the dollar figure associated with the donations, which the identified customer or purchaser can use to reduce the amount of money due to the IRS when the customer files his income tax return using the itemized deduction option (See abstract; col. 1: 33-48; figs. 1-3).

As per claim 7, Burke further discloses a method for collecting donors' or supporters' contributions during POS transactions associated with a plurality of participating merchants or retailers and subsequently distributing the contributions to non-profit or charitable organizations selected by the donors wherein the donors and the non-profit organizations or donees can easily be identified using donor card DC1 Of fig. 2 and charitable account CA of fig. 1 respectively. It should further be understood that the participating or affiliated merchants could easily be identified using specific accounts (bank accounts) or IDs (Abstract; figs. 1-3; col. 1: 18-54; col. 2: 51 to col. 3: 27; col. 4: 41-67; col. 7: 7-26).

Burke does not explicitly disclose a method and/or system for deducting calculated rebates, as determined by a merchant or retailer, based on purchases made by a supporter or customer or donor at the merchant's or retailer's to thereby forward, for payment by the merchant or retailer, the calculated and deducted rebates to a non-profit organization or charity.

However, Hovakimian discloses a patronage incentive system for enabling identified purchasers or customers to contribute or donate to their selected charities whenever they use a specific Bank or issuer's credit card to pay for transactions at participating merchants. In fact, the issuer of the credit card agrees to deduct a certain portion (calculated rebates) from each identified purchaser's transaction involving the credit card and subsequently donate the accumulated portions or rebates to the charity or charities pre-selected by the identified purchaser or customer in an effort to encourage the identified purchaser to use the credit card to pay for transactions, thereby yielding to immediate customer's gratification and customer or credit card holder loyalty and retention, which helps retain the customer in an era where it is critical to keep an existing customer (See abstract; col. 1: 33-48; figs. 1-3).

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention without reading the Instant Application to incorporate the teachings of Hovakimian into the Burke's system so as to encourage an identified customer or purchaser to use a specific manufacturer's or issuer's credit or debit card to pay for transactions at participating merchants by agreeing to deduct a certain portion (calculated rebates) from each identified purchaser's transaction involving the credit card and subsequently donate the accumulated portions or rebates to the charity or charities pre-selected by the identified purchaser or customer, wherein the accumulated rebates represent the issuer's own money, thereby yielding to immediate customer's gratification and acceptance of the said credit card, which helps retain the customer in an era where it is critical to keep an existing customer. And in the end, the identified customer will receive important tax document showing the dollar figure associated with the donations, which the identified customer or purchaser can use to reduce the amount of money due to the IRS when

the customer files his income tax return using the itemized deduction option (See abstract; col. 1: 33-48; figs. 1-3).

As per claim 8, Burke discloses a method for entering the supporter's or donor's ID from a donor's card DC1 of fig. 1, the identification of merchants and non-profit organizations and the contributed amount or donation to a central clearinghouse computer **or Central Computer or CC of fig. 1** (col. 3: 10-27-The Examiner notes that there is no difference between the functions performed by the Central Computer or CC of fig. 1 and the central clearinghouse. At this point, it will be evident to one having ordinary skill in the art that the central clearinghouse must use a central computer remotely connected to various participating merchants POS in a manner similar to CC as shown in fig. 1. Therefore, the Examiner will treat the Central Computer or CC of fig. 1 as a clearinghouse system or fulfillment system or an automatic clearinghouse or ACH). Burke further discloses a method for collecting donors' or supporters' contributions during POS transactions associated with a plurality of participating merchants or retailers and subsequently distributing the contributions to non-profit or charitable organizations selected by the donors wherein the donors and the non-profit organizations or donees can easily be identified using donor card DC1 Of fig. 2 and charitable account CA of fig. 1 respectively. It should further be understood that the participating or affiliated merchants could easily be identified using specific accounts (bank accounts) or IDs (Abstract; figs. 1-3; col. 1: 18-54; col. 2: 51 to col. 3: 27; col. 4: 41-67; col. 7: 7-26).

Burke does not explicitly disclose a method and/or system for deducting calculated rebates, as determined by a merchant or retailer, based on purchases made by a supporter or customer or donor at the merchant's or retailer's to thereby forward, for payment by the merchant or retailer, the calculated and deducted rebates to a non-profit organization or charity.

However, Hovakimian discloses a patronage incentive system for enabling identified purchasers or customers to contribute or donate to their selected charities whenever they use a specific Bank or issuer's credit card to pay for transactions at participating merchants. In fact, the issuer of the credit card agrees to deduct a certain portion (calculated rebates) from each identified purchaser's transaction involving the credit card and subsequently donate the accumulated portions or rebates to the charity or charities pre-selected by the identified purchaser or customer in an effort to encourage the identified purchaser to use the credit card to pay for transactions, thereby yielding to immediate customer's gratification and customer or credit card holder loyalty and retention, which helps retain the customer in an era where it is critical to keep an existing customer (See abstract; col. 1: 33-48; figs. 1-3).

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention without reading the Instant Application to incorporate the teachings of Hovakimian into the Burke's system so as to encourage an identified customer or purchaser to use a specific manufacturer's or issuer's credit or debit card to pay for transactions at participating merchants by agreeing to deduct a certain portion (calculated rebates) from each identified purchaser's transaction involving the credit card and subsequently donate the accumulated portions or rebates to the charity or charities pre-selected by the identified purchaser or customer, wherein the accumulated rebates represent the issuer's own money, thereby yielding to immediate customer's

gratification and acceptance of the said credit card, which helps retain the customer in an era where it is critical to keep an existing customer. And in the end, the identified customer will receive important tax document showing the dollar figure associated with the donations, which the identified customer or purchaser can use to reduce the amount of money due to the IRS when the customer files his income tax return using the itemized deduction option (See abstract; col. 1: 33-48; figs. 1-3).

As per claims 9-11, Burke discloses a method for entering the supporter's or donor's ID from a donor's card DC1 of fig. 1, the identification of merchants and non-profit organizations and the contributed amount or donation to a central clearinghouse computer **or Central Computer or CC of fig. 1** (col. 3: 10-27-The Examiner notes that there is no difference between the functions performed by the Central Computer or CC of fig. 1 and the central clearinghouse. At this point, it will be evident to one having ordinary skill in the art that the central clearinghouse must use a central computer remotely connected to various participating merchants POS in a manner similar to CC as shown in fig. 1. Therefore, the Examiner will treat the Central Computer or CC of fig. 1 as a clearinghouse system or fulfillment system or an automatic clearinghouse or ACH). Burke further discloses a method for collecting donors' or supporters' contributions during POS transactions associated with a plurality of participating merchants or retailers and subsequently distributing the contributions to non-profit or charitable organizations selected by the donors wherein the donors and the non-profit organizations or donees can easily be identified using donor card DC1 Of fig. 2 and charitable account CA of fig. 1 respectively. It should further be understood that the participating or affiliated merchants could

easily be identified using specific accounts (bank accounts) or IDs (Abstract; figs. 1-3; col. 1: 18-54; col. 2: 51 to col. 3: 27; col. 4: 41-67; col. 7: 7-26).

Burke, regarding claims 9-11, does not explicitly disclose a method and/or system for deducting calculated rebates, as determined by a merchant or retailer, based on purchases made by a supporter or customer or donor at the merchant's or retailer's to thereby forward, for payment by the merchant or retailer, the calculated and deducted rebates to a non-profit organization or charity.

However, Hovakimian discloses a patronage incentive system for enabling identified purchasers or customers to contribute or donate to their selected charities whenever they use a specific Bank or issuer's credit card to pay for transactions at participating merchants. In fact, the issuer of the credit card agrees to deduct a certain portion (calculated rebates) from each identified purchaser's transaction involving the credit card and subsequently donate the accumulated portions or rebates to the charity or charities pre-selected by the identified purchaser or customer in an effort to encourage the identified purchaser to use the credit card to pay for transactions, thereby yielding to immediate customer's gratification and customer or credit card holder loyalty and retention, which helps retain the customer in an era where it is critical to keep an existing customer (See abstract; col. 1: 33-48; figs. 1-3).

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention without reading the Instant Application to incorporate the teachings of Hovakimian into the Burke's system so as to encourage an identified customer or purchaser to use a specific manufacturer's or issuer's credit or debit card to pay for transactions at participating merchants

by agreeing to deduct a certain portion (calculated rebates) from each identified purchaser's transaction involving the credit card and subsequently donate the accumulated portions or rebates to the charity or charities pre-selected by the identified purchaser or customer, wherein the accumulated rebates represent the issuer's own money, thereby yielding to immediate customer's gratification and acceptance of the said credit card, which helps retain the customer in an era where it is critical to keep an existing customer. And in the end, the identified customer will receive important tax document showing the dollar figure associated with the donations, which the identified customer or purchaser can use to reduce the amount of money due to the IRS when the customer files his income tax return using the itemized deduction option (See abstract; col. 1: 33-48; figs. 1-3).

As per claims 21-27, Burke discloses a system having a network or clearinghouse computer network, as shown in fig. 1, connected remote computers RTM, remote charity terminal or charity computer CHY, etc. to central computer CC or clearinghouse computer in a LAN/WAN environment. Supporters or donors swipe their cards DC1 into a card reader CD1, attached to cash register CR1, to identify themselves at a POS or sponsor's and signal their intention to donate to charities. Before the donors or supporters are allowed to contribute to charities of their choice, they must first register with the system or clearinghouse and the registration information including the selected charities are compiled into an account and uploaded in a data storage or database DS coupled to central computer CC or clearinghouse computer of the network. Subsequently, at the conclusion of the registration process, donor cards are issued to the donors or supporters by the system or clearinghouse computer while the donors

are shopping at the retailers' stores, where the donors can use these cards to make contributions while conducting transactions at different participating POSes or retailers' (See abstract; figs. 1-3 and 6; col. 5: 16-64). Finally, the location where the donors or supporters and/or merchants register or enroll in order to contribute to their charities and/or to accept contributions or donations from donors is a matter of convenience, design choice or design consideration, which does not directly impact the process or system by which the donors donate to their charities and/or the merchants accept or receive contributions from the donors during transactions on behalf of the donees or non-profit organizations; in other words, whether the donors and/or merchants register or sign up using remote terminals RTM at retailers' or merchants POSes or at charity terminals or charity computer CHY or any other terminal available at a charity site, the registration information or data will end up being uploaded into the database DS coupled to the central computer CC or clearinghouse computer.

Burke, regarding claims 21-27, does not explicitly disclose a method and/or system for deducting calculated rebates, as determined by a merchant or retailer, based on purchases made by a supporter or customer or donor at the merchant's or retailer's to thereby forward, for payment by the central computer CC or clearinghouse computer subsequent to receiving by the central computer CC the calculated rebates from the merchant, the calculated and deducted rebates to a non-profit organization or charity.

However, Hovakimian discloses a patronage incentive system for enabling identified purchasers or customers to contribute or donate to their selected charities whenever they use a specific Bank or issuer's credit card to pay for transactions at participating merchants. In fact, the

issuer of the credit card agrees to deduct a certain portion (calculated rebates) from each identified purchaser's transaction involving the credit card and subsequently donate the accumulated portions or rebates to the charity or charities pre-selected by the identified purchaser or customer in an effort to encourage the identified purchaser to use the credit card to pay for transactions, thereby yielding to immediate customer's gratification and customer or credit card holder loyalty and retention, which helps retain the customer in an era where it is critical to keep an existing customer (See abstract; col. 1: 33-48; figs. 1-3).

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention without reading the Instant Application to incorporate the teachings of Hovakimian into the Burke's system so as to encourage an identified customer or purchaser to use a specific manufacturer's or issuer's credit or debit card to pay for transactions at participating merchants by agreeing to deduct a certain portion (calculated rebates) from each identified purchaser's transaction involving the credit card and subsequently donate the accumulated portions or rebates to the charity or charities pre-selected by the identified purchaser or customer, wherein the accumulated rebates represent the issuer's own money, thereby yielding to immediate customer's gratification and acceptance of the said credit card, which helps retain the customer in an era where it is critical to keep an existing customer. And in the end, the identified customer will receive important tax document showing the dollar figure associated with the donations, which the identified customer or purchaser can use to reduce the amount of money due to the IRS when the customer files his income tax return using the itemized deduction option (See abstract; col. 1: 33-48; figs. 1-3).

As per claim 5, Burke further discloses a method for collecting donors' or supporters' contributions during POS transactions associated with a plurality of participating merchants or retailers and subsequently distributing the contributions to non-profit or charitable organizations selected by the donors wherein the donors and the non-profit organizations or donees can easily be identified using donor card DC1 Of fig. 2 and charitable account CA of fig. 1 respectively. It should further be understood that the participating or affiliated merchants could easily be identified using specific accounts (bank accounts) or IDs (Abstract; figs. 1-3; col. 1: 18-54; col. 2: 51 to col. 3: 27; col. 4: 41-67; col. 7: 7-26).

As per claims 12, 14, 16, 18, Burke discloses a system having a network or clearinghouse computer network, as shown in fig. 1, connected remote computers RTM, remote charity terminal or charity computer CHY, etc. to central computer CC or clearinghouse computer in a LAN/WAN environment. Supporters or donors swipe their cards DC1 into a card reader CD1, attached to cash register CR1, to identify themselves at a POS or sponsor's and signal their intention to donate to charities. Before the donors or supporters are allowed to contribute to charities of their choice, they must first register with the system or clearinghouse and the registration information including the selected charities are compiled into an account and uploaded in a data storage or database DS coupled to central computer CC or clearinghouse computer of the network. Subsequently, at the conclusion of the registration process, donor cards are issued to the donors or supporters by the system or clearinghouse computer while the donors are shopping at the retailers' stores, where the donors can use these cards to make contributions while conducting transactions at different participating POSes or retailers' (See abstract; figs. 1-3

and 6; col. 5: 16-64). Finally, the location where the donors or supporters register or enroll in order to contribute to their charities is a matter of convenience, design choice or design consideration, which does not directly impact the process or system by which the donors donate to their charities; in other words, whether the donors register or sign up using remote terminals RTM at the retailers' POSes or charity terminals or charity computer CHY or any other terminal available at a charity site, the registration information or data will end up being uploaded into the database DS coupled to the central computer CC or clearinghouse computer.

As per claims 13, 15, 17, 19, Burke discloses a system having a network or clearinghouse computer network, as shown in fig. 1, connected remote computers RTM, remote charity terminal or charity computer CHY, etc. to central computer CC or clearinghouse computer in a LAN/WAN environment. Supporters or donors swipe their cards DC1 into a card reader CD1, attached to cash register CR1, to identify themselves at a POS or sponsor's and signal their intention to donate to charities. Before the donors or supporters are allowed to contribute to charities of their choice, they must first register with the system or clearinghouse and the registration information including the selected charities are compiled into an account and uploaded in a data storage or database DS coupled to central computer CC or clearinghouse computer of the network. Subsequently, at the conclusion of the registration process, donor cards are issued to the donors or supporters by the system or clearinghouse computer while the donors are shopping at the retailers' stores, where the donors can use these cards to make contributions while conducting transactions at different participating POSes or retailers'. The donors or supporters can also use their donor cards to access a report or record associated with their

account wherein the report lists, on a display connected to a remote terminal at a POS, information downloaded from the central computer CC on donees or non-profit organizations or charities, collected donated amount or calculated rebates. Reports are provided to the charities in the form of periodic printouts issued by the CC or clearinghouse computer. Charities receive donations or collected donated amounts or calculated rebates electronically from the CC (See abstract; figs. 1-3 and 6; col. 2: 29-37; col. 2: 49-50; col. 3: 15-16; col. 3: 22-27; col. 4: 60-65; col. 5: 16-64; col. 6: 60 to col. 7: 20).

As per claim 20, Burke discloses a method for entering the supporter's or donor's ID from a donor's card DC1 of fig. 1, the identification of merchants and non-profit organizations and the contributed amount or donation to a central clearinghouse computer **or Central Computer or CC of fig. 1** (col. 3: 10-27-The Examiner notes that there is no difference between the functions performed by the Central Computer or CC of fig. 1 and the central clearinghouse. At this point, it will be evident to one having ordinary skill in the art that the central clearinghouse must use a central computer remotely connected to various participating merchants POS in a manner similar to CC as shown in fig. 1. Therefore, the Examiner will treat the Central Computer or CC of fig. 1 as a clearinghouse system or fulfillment system or an automatic clearinghouse or ACH). Burke further discloses a method for collecting donors' or supporters' contributions during POS transactions associated with a plurality of participating merchants or retailers and subsequently distributing the contributions to non-profit or charitable organizations selected by the donors wherein the donors and the non-profit organizations or donees can easily be identified using donor card DC1 Of fig. 2 and charitable account CA of fig.

1 respectively. It should further be understood that the participating or affiliated merchants could easily be identified using specific accounts (bank accounts) or Ids. Enrollment or registration or sign up of non-profit organizations, supporters or donors and merchants are performed by the central computer or clearinghouse computer CC (Abstract; figs. 1-3; col. 1: 18-54; col. 2: 51 to col. 3: 27; col. 4: 41-67; col. 7: 7-26).

Conclusion

Although the following references were not used in the Office Action, they were highly considered by the Examiner. Applicant is further directed to consult these references.

US Patent 5,909,794 to Molbak et al is highly considered under a 102 rejection (abstract; col. 2: 30-55).

US Patent 5,905,246A to Fajkowski discloses a clearinghouse for coupon management and redemption.

US Patent 6,052,674A to Zervides et al discloses an electronic invoicing and collection system and method with charity donations.

US Patent 5, 970, 480 to Kalina discloses a patronage incentive system having a centralized credit interchange system for converting purchase credit awards or rebates through credit exchange system for purchase of investment vehicle wherein an identified customer, using

a specific manufacturer's credit or debit card to pay for transactions at participating merchants 26, receives credit awards or rebates in an effort to encourage the identified customer to continue to use the specific manufacturer's credit or debit card to pay for purchases at merchants 26 rather than a competitor's credit card or other payment instruments. In a preferred embodiment, merchant 26 enters at a POS a customer's transaction data including customer's identification where the customer's transaction data are forwarded to central computer or clearinghouse computer 50 (col. 4: 5-19). Furthermore, when sale/credit award transactions are received by central computer or clearinghouse computer 50, memory or Hard disk 72 will match merchant 26 and member bank 28 assigned and designated credit interchange account numbers to respective purchase credit award contract 74 already stored in memory or Hard disk 72. Purchase award contract 74 utilizes an account number associated with the terms of contract for matching pre-assigned award credit per type of award vehicle used and credits the identified customer's account 76 with the proper amount of award credits (col. 4: 20-58). And in the end, upon reaching a predetermined threshold number, the purchase credit awards or the rebates are converted into a cash value and used by central computer or clearinghouse computer 50 to purchase an investment vehicle at investment center 82 to thereby yield to immediate customer's gratification and customer or credit card holder loyalty and retention, which helps retain the customer in an era where it is critical to keep an existing customer (See abstract; col. 1: 9-19; col. 4: 59 to col. 5: 13).

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (703) 308-6287). The aforementioned can normally

be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (703) 305- 8469.

For information on the status of your case, please call the help desk at (703) 308-1113. Further, the following fax numbers can be used, if need be, by the Applicant(s):

After Final- 703-872-9327

Before Final -703-872-9326

Non-Official Draft- 703-746-7240

Customer Service- 703-872-9325

Please provide support, that is page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

JDJ

11/16/02

ERIC W. STAMBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600